

### **IN THE SPECIFICATION**

Page 2, line 11 has been amended as follows:

~~Apparatus~~ **An apparatus** for stacking items, ~~comprising~~ **includes**:

Page 2, line 19 has been amended as follows:

A method for stacking incoming items, **including** ~~comprising~~ the steps of:

Page 2, lines 23 and 24 have been amended as follows:

transferring the item from the **item** receiving mechanism to the stacking mechanism;

Page 3, lines 12-14 have been amended as follows:

Another principal object and advantage of the present invention is that no product accumulation is required prior to the **item** receiving mechanism. This eliminates the impact forces that can crush or deform product.

Page 4, line 9 has been amended as follows:

FIGS. 8A-8C are flowcharts of the **methods** ~~method~~ of the present invention.

Page 9, lines 10-18 have been amended as follows:

An anti-scuffing mechanism 128 (FIGS. 2A-2B) is provided as follows. If a stack layer is partially complete, the first items **I** will stop at **the product stop a backstop** 152 (FIG. 10) on the stacker conveyor 116 while the stacker conveyor 116 continues to drive the items **I**. This can result in scuff marks on the items **I**. If another incoming item **I** is not detected, the stacker conveyor 116 moves down slightly from its normal position (FIG. 2A) to let the product rest on the stacker shelves 22 instead of the stacker conveyor 116, as seen in FIG. 2B. When the next incoming item **I** is detected, the stacker conveyor 116 quickly moves back up to its normal position. This process will repeat as necessary until a complete layer is created. Once the layer is complete, the stacker conveyor 116 will move down to the next shelf position.

Page 9, line 25 through page 10, line 7 have been amended as follows:

The apparatus 10 also preferably comprises a jam clearance or clean out mechanism 130. The jam clearance mechanism **130** will allow product to be removed from the stacking area 16, from the stacking mechanism 14, from the stacker shelves 22, from the stacker conveyor 116, and from the second conveyor 114. When a clean-out situation occurs, the clean-out mechanism 130 can be activated by multiple options. One option is to send an electrical signal to energize a motor. A second option is to signal the machine operator that they will need to manually operate the clean-out mechanism 130 (probably by using a hand wheel). All options will move the left and right ~~sides~~ **belts** 122 of the second conveyor 114 away from each other. In addition, all components downstream of the second conveyor **114**, such as the stacker conveyor 116 and the stacker shelves 22, are also separated. This can be accomplished by moving both sides or having one side fixed and moving the other side. Once the two sides are separated, the product will fall through and land on either a chute or a powered conveyor 132. The two sides will then reposition to their operating width and begin stacking product. Another option for the product would be to land on a deck that can be rolled out from under the machine.

Page 11, lines 3-10 have been amended as follows:

FIGS. 10 and 11 illustrate the operation of the overflow mechanism 150 that will allow items I to pass through the machine without being stacked in the event of a back-up in downstream equipment. The overflow mechanism 150 comprises a movable backstop 152A similar to the normal backstop 152, except that the **product stop backstop** 152A moves, for example by pivoting, from its normal position (FIG. 10) to an overflow position (FIG. 11). In the overflow position, the backstop 152A no longer stops items I coming in on the stacker conveyor 116, so that the items **I** are not placed on the stacker shelves 22, but instead are carried out of the apparatus **10, 110, 210** to some appropriate overflow area, for example the conveyor 132.